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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Li YAO et al.

Confirmation No.: 4499

Serial No.: 10/689,043

Art Unit: 1765

Filed: October 21, 2003

Examiner: Alanko

For: **COMPOSITIONS FOR CHEMICAL, MECHANICAL, PLANARIZATION OF TANTALUM AND TANTALUM NITRIDE**, Attorney Docket No.: 063254-0151-US

**TERMINAL DISCLAIMER FEE**

U.S. Patent and Trademark Office  
Randolph Building – Customer Service Window  
104 Dulany Street  
Alexandria, Virginia 22314  
**MAIL STOP - AMENDMENT**

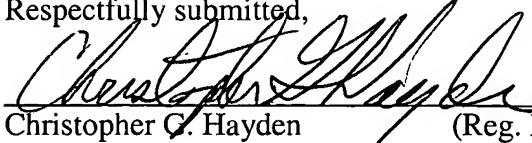
Sir:

Attached hereto is a Terminal Disclaimer. The fee for a Terminal Disclaimer was previously submitted; however, the Examiner believed the Disclaimer was inadequate, although a bona fide attempt at response. In the event a further fee is deemed necessary, the Office is authorized to charge a further **\$130.00** fee. Please charge the required fee, or any additional fee deemed necessary, to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310.

Respectfully submitted,

April 10, 2006

Date

  
Christopher G. Hayden 44,750  
(Reg. No.)

**MORGAN, LEWIS & BOCKIUS LLP**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
(202) 739-3000  
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Sir:

Your Petitioner, Christopher G. Hayden, represents that he is Of Counsel in the law firm of Morgan, Lewis & Bockius LLP, and is named on the Power of Attorney filed in this application on March 19, 2004.

This Terminal Disclaimer is filed in response to the Communication sent on March 29, 2006, which indicated the previously filed terminal disclaimer was non-responsive. The Terminal Disclaimer filed previously on January 5, 2006 contained errors and petitioner revokes that Terminal Disclaimer, and respectfully requests that the Terminal Disclaimer filed previously be clearly marked as erroneous in the file. This Terminal Disclaimer is a replacement for the Terminal Disclaimer filed previously on January 5, 2006.

This Application No. 10/689,043 stands provisionally rejected for non-statutory double patenting over Application No. 10/690,623 and over Application No. 10/683,730. This terminal disclaimer is submitted for the purpose of overcoming this rejection. Your Petitioner states that **DuPont Air Products NanoMaterials LLC** is the Assignee of the entire interest in and to the instant application, Application No. 10/689,043, by virtue of an assignment to **EKC**

**Technology, Inc** being recorded on May 26, 2004 at Reel 015369, Frame 0785, and by virtue of an Assignment from **EKC Technology, Inc.** to **DuPont Air Products NanoMaterials LLC** recorded August 31, 2005, at Reel 016700, Frame 0301.

Your Petitioner states that **DuPont Air Products NanoMaterials LLC** is the Assignee of the entire interest in and to each of Application No. 10/690,623, Application No. 10/401,405, U.S. Patent No 6,635,186, and U.S. Patent No 6,117,783, by virtue of an assignment to **EKC Technology, Inc** being recorded on February 6, 2003 at Reel 013742, Frame 0698, and by virtue of an Assignment from EKC Technology, Inc. to **DuPont Air Products NanoMaterials LLC** recorded August 31, 2005, at Reel 016700, Frame 0301. Application No. 10/690,623, allowed (Q. Hoang, Examiner), is a continuation of pending Application No. 10/401,405 (A. Alanko, Examiner); which is a continuation of Application No. 09/226,996, now U.S. Patent No 6,635,186 (A. Alanko, Examiner); which is a continuation of Application No. 09/043,505, now U.S. Patent No 6,117,783 (C. Koslow, Examiner) which claims priority to PCT International Application No. PCT/US97/12220, filed July 21, 1997, which claims the benefit of provisional application no. 60/023,299, filed July 26, 1996.

Your Petitioner states that **DuPont Air Products NanoMaterials LLC** is the Assignee of the entire interest in and to Application No. 10/683,730 by virtue of an assignment to **EKC Technology, Inc** being recorded on March 19, 2004 at Reel 014444, Frame 0587, and by virtue of an Assignment from EKC Technology, Inc. to **DuPont Air Products NanoMaterials LLC** recorded August 31, 2005, at Reel 016700, Frame 0301.

Petitioner hereby confirms that he has reviewed the assignments and, to the best of his knowledge and belief, title is in the assignee seeking to take action in this matter and that Petitioner is empowered to act on behalf of the assignee, **DuPont Air Products NanoMaterials LLC**.

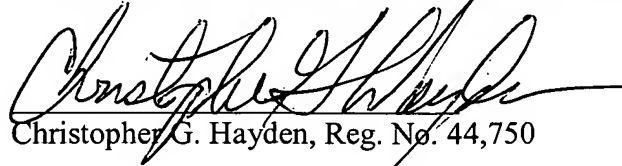
**DuPont Air Products NanoMaterials LLC** hereby disclaims the terminal part of any patent granted on Application No. 010/689,043 which would extend beyond the expiration date of any patents granted from pending applications Application No. 10/683,730, Application No. 10/690,623, pending Application No. 10/401,405, and also U.S. Patent No 6,635,186, and U.S. Patent No 6,117,783, and hereby agrees that any patent granted on Application No. 10/689,043

shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patents granted from pending applications Application No. 10/683,730, Application No. 10/690,623, pending Application No. 10/401,405, and also U.S. Patent No 6,635,186, and U.S. Patent No 6,117,783. **DuPont Air Products NanoMaterials LLC** further agrees that this agreement is to run with any patent granted on Application No. 10/689,043 and is to be binding upon the grantee, its successors, and assigns. **DuPont Air Products NanoMaterials LLC** does not disclaim any terminal part of any patent granted on Application No. 10/689,043 prior to the expiration date of the full statutory term of any patents granted from pending applications Application No. 10/683,730, Application No. 10/690,623, pending Application No. 10/401,405, and also U.S. Patent No 6,635,186, and U.S. Patent No 6,117,783, in the event that said patents later expire for failure to pay a maintenance fee, are held unenforceable, are found invalid, are statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), have all claims canceled by a reexamination certificate, or are otherwise terminated prior to the expiration of their full statutory term, except for the separation of legal title stated above.

Petitioner hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed this 10th day of April, 2006.

For **DuPont Air Products NanoMaterials LLC** by



Christopher G. Hayden, Reg. No. 44,750

**Customer Number 009629**  
Morgan, Lewis & Bockius LLP  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
202-739-3001 (facsimile)